

### § 3701. Establishment and purposes of Foundation

#### (a) Establishment

There is established the National Fish and Wildlife Foundation (hereinafter in this chapter referred to as the “Foundation”). The Foundation is a charitable and nonprofit corporation and is not an agency or establishment of the United States.

#### (b) Purposes

The purposes of the Foundation are—

(1) to encourage, accept, and administer private gifts of property for the benefit of, or in connection with, the activities and services of the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration, to further the conservation and management of fish, wildlife, plants, and other natural resources;

(2) to undertake and conduct such other activities as will further the conservation and management of the fish, wildlife, and plant resources of the United States, and its territories and possessions, for present and future generations of Americans; and

(3) to participate with, and otherwise assist, foreign governments, entities, and individuals in undertaking and conducting activities that will further the conservation and management of the fish, wildlife, and plant resources of other countries.

(Pub. L. 98-244, §2, Mar. 26, 1984, 98 Stat. 107; Pub. L. 100-240, §1(a), Jan. 11, 1988, 101 Stat. 1785; Pub. L. 103-232, title I, §102, Apr. 11, 1994, 108 Stat. 336; Pub. L. 106-408, title II, §202, Nov. 1, 2000, 114 Stat. 1777.)

#### AMENDMENTS

2000—Subsec. (b)(1). Pub. L. 106-408 added par. (1) and struck out former par. (1) which read as follows: “to encourage, accept, and administer private gifts of property for the benefit of, or in connection with, the activities and services of the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration;”.

1994—Subsec. (b)(1). Pub. L. 103-232 inserted before semicolon at end “and the National Oceanic and Atmospheric Administration”.

1988—Subsec. (b)(3). Pub. L. 100-240 added par. (3).

#### SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-408, title II, §201, Nov. 1, 2000, 114 Stat. 1777, provided that: “This title [enacting section 3710 of this title, amending this section and sections 3702, 3703, 3705, 3706, and 3709 of this title, and repealing provisions set out as a note under section 3703 of this title] may be cited as the ‘National Fish and Wildlife Foundation Establishment Act Amendments of 2000’.”

#### SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-277, div. A, §101(b) [title IX, §901], Oct. 21, 1998, 112 Stat. 2681-50, 2681-119, provided that: “This title [amending section 3703 of this title and enacting provisions set out as a note under section 3703 of this title] may be cited as the ‘National Whale Conservation Fund Act of 1998’.”

#### SHORT TITLE OF 1994 AMENDMENT

Section 101 of title I of Pub. L. 103-232 provided that: “This title [amending this section and sections 3702 and 3709 of this title and enacting provisions listed in a table of National Environmental Centers set out under

section 668dd of this title and provisions set out as notes under section 3702 of this title] may be cited as the ‘National Fish and Wildlife Foundation Improvement Act of 1994’.”

#### SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-593, title I, §110(a), Nov. 16, 1990, 104 Stat. 2959, provided that: “This section [amending sections 3702 and 3709 of this title] may be cited as the ‘National Fish and Wildlife Foundation Establishment Act Amendments of 1990’.”

#### SHORT TITLE

Section 1 of Pub. L. 98-244 provided that: “This Act [enacting this chapter] may be cited as the ‘National Fish and Wildlife Foundation Establishment Act’.”

### § 3702. Board of Directors of Foundation

#### (a) Establishment and membership

##### (1) In general

The Foundation shall have a governing Board of Directors (referred to in this chapter as the “Board”), which shall consist of 25 Directors appointed in accordance with subsection (b) of this section, each of whom shall be a United States citizen.

##### (2) Representation of diverse points of view

To the maximum extent practicable, the membership of the Board shall represent diverse points of view relating to conservation and management of fish, wildlife, plants, and other natural resources.

##### (3) Not Federal employees

Appointment as a Director of the Foundation shall not constitute employment by, or the holding of an office of, the United States for the purpose of any Federal law.

#### (b) Appointment and terms

##### (1) Agency heads

The Director of the United States Fish and Wildlife Service and the Under Secretary of Commerce for Oceans and Atmosphere shall be Directors of the Foundation.

##### (2) Appointments by the Secretary of the Interior

###### (A) In general

Subject to subparagraph (B), after consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 23 Directors who meet the criteria established by subsection (a) of this section, of whom—

(i) at least six shall be educated or experienced in fish, wildlife, or other natural resource conservation;

(ii) at least four shall be educated or experienced in the principles of fish, wildlife, or other natural resource management; and

(iii) at least four shall be educated or experienced in ocean and coastal resource conservation.

###### (B) Transition provision

###### (i) Continuation of terms

The 15 Directors serving on the Board as of November 1, 2000, shall continue to serve until the expiration of their terms.